

REMARKS

Claims 1-166 remain in this application. The examiner allowed claims 151-166. The examiner has acknowledged that claims 4, 6, 9-16, 18-103, 107-109, 112-115, 117-124, 127, 130, and 133-150 are directed to allowable subject matter. The remaining claims were provisionally rejected for obviousness-type double patenting.

I. NON-STATUTORY DOUBLE PATENTING

The examiner provisionally rejected claims 1-3, 5, 7, 8, 17, 104-106, 110, 111, 116, 125, 126, 128, 129, 131, and 132 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 17, 33, 55-57, 65, 66, 76, 77, 88, and 89 of copending U.S. Patent Applicant Serial No. 10/728,650 ("the '650 Application").

The applicants are concurrently filing a terminal disclaimer in accordance with 37 CFR 1.321(c).

II. ALLOWABLE SUBJECT MATTER

The examiner stated that claims 4, 6, 9-16, 18-103, 107-109, 112-115, 117-124, 127, 128, 130, and 133-150 are objected to as being dependent upon a provisionally rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The applicants are concurrently filing a terminal disclaimer to obviate the provisional rejection of the base claims under the judicially created doctrine of obviousness-type double patenting. Therefore, the applicants respectfully submit that the objected to claims 4, 6, 9-16, 18-103, 107-109, 112-115, 117-124, 127, 128, 130, and 133-150 are also allowable.

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CONCLUSION

If the examiner feels that a telephone conference would expedite the resolution of this case, the examiner is invited to contact the undersigned. If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769 (ref. 1030-23000) of Conley Rose, P.C., Houston, Texas.

Respectfully submitted,
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